

THE PRICE ONE PAYS TO POST AT HUFFPO

For a while, there was a big debate on the left on whether it was okay to post, for free, at HuffPo or not. Many argued that someone choosing to post at HuffPo without pay was being exploited, or exploiting others, by working for free.

Except now it appears that posting at HuffPo can get someone jailed for two months.

Daniel McGowan is one of the Environmental Liberation Front-tied activists branded as a terrorist for arson committed in Oregon in 2001. He wrote this post yesterday at HuffPo, describing his time in the Marion, IL Communication Management Unit, and his Center for Constitution Right lawsuit against the government for the CMUs.

What's also notable about the CMUs is who is sent there. It became quickly obvious to me that many CMU prisoners were there because of their religion or in retaliation for their speech. By my count, around two-thirds of the men are Muslim, many of whom have been caught up in the so-called "war on terror," others who just spoke out for their rights or allegedly took leadership positions in the Muslim community at other facilities. Some, like me, were prisoners who have political views and perspectives that are not shared by the Department of Justice.

[snip]

The following speech is listed in these memos to justify my designation to these ultra-restrictive units:

My attempts to "unite"
environmental and animal

liberation movements, and to “educate” new members of the movement about errors of the past; my writings about “whether militancy is truly effective in all situations”; a letter I wrote discussing bringing unity to the environmental movement by focusing on global issues; the fact that I was “publishing [my] points of view on the internet in an attempt to act as a spokesperson for the movement”; and the BOP’s belief that, through my writing, I have “continued to demonstrate [my] support for anarchist and radical environmental terrorist groups.”

The federal government may not agree with or like what I have to say about the environmental movement, or other social justice issues. I do not particularly care as the role of an activist is not to tailor one’s views to those in power. But as *Aref v. Holder* contends, everything I have written is core political speech that is protected by the First Amendment. It may be true that courts have held that a prisoner’s freedom of speech is more restricted than that of other members of the public. But no court has ever said that means that a prisoner is not free to express political views and beliefs that pose no danger to prison security and do not involve criminal acts. In fact, decades of First Amendment jurisprudence has refused to tolerate restrictions that are content-based and motivated by the suppression of expression. And courts have recognized that when a prisoner is writing to an

audience in the outside world, as I was, it's not just the prisoner's First Amendment rights that are at stake: the entire public's freedom of speech is implicated.

His lawyers have sent out a statement reporting that Marshalls detained him at the halfway house he was supposed to serve out the end of his sentence yesterday, reportedly because of his post.

Daniel McGowan is back in BOP custody. He was taken by federal marshals from his halfway house this morning, and brought to the Metropolitan Detention Center. We have received information that this was triggered by an opinion piece he published on the **Huffington Post** Monday, and we are currently trying to confirm this and learn more about the situation. We were unable to meet with him today because, we were informed, he was being processed. We will seek to meet with him tomorrow and follow all avenues to secure his release. The name of the piece is "Court Documents Prove I Was Sent to Communication Management Units (CMU) for My Political Speech." If this is indeed a case of retaliation for writing an article about the BOP retaliating against his free speech while he was in prison, it is more than ironic, it is an outrage.

In his HuffPo bio, McGowan described himself as an environmentalist and former political prisoner.

It sure looks he spoke too soon.